

**APPROVED MINUTES\***  
**SUNNYVALE CITY COUNCIL**  
**TUESDAY, FEBRUARY 9, 2010**

**CALL TO ORDER** – Mayor Hamilton called the meeting to order in the Council Chambers.

**SALUTE TO THE FLAG** – Mayor Hamilton led the Salute to the Flag.

**ROLL CALL**

**PRESENT:**

Mayor Melinda Hamilton  
Vice Mayor Christopher Moylan  
Councilmember Ron Swegles  
Councilmember Anthony (Tony) Spitaleri  
Councilmember David Whittum  
Councilmember Dean Chu  
Councilmember Jim Griffith

**ABSENT:**

None

**STAFF PRESENT:**

City Manager Gary Luebbers  
Assistant City Manager Robert Walker  
City Attorney David Kahn  
Director of Finance Mary Bradley  
Director of Community Development Hanson Hom  
Director of Public Safety Don Johnson  
Director of Public Works Marvin Rose  
City Clerk Kathleen Franco Simmons

**PUBLIC ANNOUNCEMENTS**

Larry Klein, Vice President of the Sunnyvale Historical Society, announced upcoming events at the Sunnyvale Heritage Park Museum, including: a Lockheed Retirees Reception on February 18, the Historical Society General Meeting on March 1, and “Spring Teas” in late April and early May 2010.

Councilmember Swegles announced the Rotary Club Annual Crab Feed on February 20.

**PRESENTATION** – League of California Cities: Impacts of the State Budget - Joe Pirzynski, Vice Mayor of Los Gatos and Representative of the League of California Cities Peninsula Division.

*\*Approved by Council February 23, 2010*

## **CONSENT CALENDAR**

MOTION: Vice Mayor Moylan moved and Councilmember Spitaleri seconded the motion to approve the Consent Calendar.

VOTE: 7 - 0

- 1.A. Approval of Council Meeting Minutes of January 26, 2010
- 1.B. Approval of Information/Action Items – Council Directions to Staff

## **Fiscal Items**

- 1.C. RTC 10-030 List of Claims and Bills Approved for Payment by the City Manager – List Nos. 488 and 489

Staff Recommendation: Review the attached lists of bills.

- 1.D. RTC 10-033 Proposal to Appropriate Health Trust Grant for the Sunnyvale Senior Center and Approval of Budget Modification No. 20

Staff Recommendation: Approve Budget Modification No. 20 in the amount of \$24,805 and appropriates these funds to a new project to conduct the *Active Start* Program at the Sunnyvale Senior Center in partnership with San Jose State University Department of Kinesiology.

- 1.E. RTC 10-031 City of Sunnyvale Investment Report – 4<sup>th</sup> Quarter 2009

Staff Recommendation: Receive and file the investment report.

## **Contracts**

- 1.F. RTC 10-022 Authorization to Award Contract in the Amount of \$675,000 to Vietnam Veterans of California for Veterans' Employment-Related Assistance Program

Staff Recommendation: On behalf of the NOVA seven-city consortium, Council authorizes the award of a contract in the amount of \$675,000 to Vietnam Veterans of California to provide services for the Veterans Employment-Related Assistance Program.

## **SunnyvaleWorks! Contracts**

- 1.G. RTC 10-036 Increase Construction Contingency for Project 801101 and 827010, Heating, Ventilation, and Conditioning (HVAC) and Roofing at the Water Pollution Control Plant

Staff Recommendation: Increase the project contingency in the amount of \$36,000 to complete the project.

**Other Items**

- 1.H.     RTC 10-027     Recommendation to Sunnyvale City Council to Approve Confirmation of New Members to the NOVA Workforce Board  
Staff Recommendation: Council confirms Mr. Nicholas de Lorenzo, Ms. Jacque Hansen, Ms. Donna Hezel and Mr. Neil Struthers for four-year terms on the NOVA Workforce Board.
- 1.I.     ORDINANCE     Adoption of Ordinance No. 2913-10 Amending Certain Sections of  
No. 2913-10     Chapter 9.41 (Massage Establishments and Massage Therapists) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code Relating to Massage Establishments and Massage Therapists  
  
Staff Recommendation: Approve second reading of Ordinance No. 2913-10.
- 1.J.     RTC 10-026     Ratification of IGR Committee Appointment to the Santa Clara County Recycling and Waste Reduction Commission  
  
Staff Recommendation: Council ratifies the appointment of Councilmember Griffith to the Santa Clara County Recycling and Waste Reduction Commission.

**STAFF RESPONSES TO PRIOR PUBLIC COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**PUBLIC HEARINGS/GENERAL BUSINESS**

2.     ORDINANCE     Bicycle and Pedestrian Advisory Commission (BPAC) Recommendation  
RTC 10-025     on Ordinance for Suspension of Timed Parking Enforcement during  
Special Events

Public Works Director Marvin Rose presented the staff report.

Public hearing opened at 7:22 p.m.

Kevin Jackson, Bicycle and Pedestrian Advisory Commission Chair, reported the commission supports the revision to the ordinance.

Public hearing closed at 7:23 p.m.

MOTION: Vice Mayor Moylan moved and Councilmember Chu seconded the motion to adopt the proposed ordinance amending Chapter 10.16., clarifying the intent of temporary suspension of time duration parking restrictions for special events.

VOTE: 7-0

City Clerk Kathleen Franco Simmons read the ordinance title for the record.

3. RESOLUTION      Consideration of a Resolution Amending the Joint Powers Agreement for  
RTC 10-034          the Administration of the Santa Clara County Congestion Management  
Program

Public Works Director Rose presented the staff report.

Director Rose confirmed for Councilmember Chu that there would be two board seats and one alternate in the proposed grouping with Santa Clara, Sunnyvale and Milpitas and that the three cities would work out a plan for representation.

Public hearing opened at 7:28 p.m.

No speakers.

Public hearing closed at 7:28 p.m.

MOTION: Vice Mayor Moylan moved and Councilmember Swegles seconded the motion that Council does not approve the resolution amending the Santa Clara County Congestion Management Program (CMP) Joint Powers Agreement (JPA) to create a new City grouping of Sunnyvale, Santa Clara and Milpitas.

Vice Mayor Moylan stated the resolution undermines the four cities and Sunnyvale. Vice Mayor Moylan stated that no city should get double the representation on the VTA Board and the City should do everything it can to stop it. Vice Mayor Moylan added that the proposal puts Sunnyvale in a grouping with two BART cities and it's very likely the City would find itself losing every vote two to one. He stated based on Sunnyvale's population, it should have a permanent seat on the board.

VOTE: 6-1 (Councilmember Chu dissented)

4. COUNCIL              Consider Revisions to Council Policy 7.3.10 Regarding Selection of  
DISCUSSION          Mayor and Vice Mayor

Mayor Hamilton proposed this item be continued to March 23, 2010.

MOTION: Vice Mayor Moylan moved and Councilmember Spitaleri seconded the motion to continue this item to March 23, 2010.

VOTE: 7-0

#### **COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

Councilmember Swegles reported he and the Mayor, City Manager, and other staff attended a meeting with the Air Force with regard to Onizuka.

Vice Mayor Moylan provided a report from the County Preparedness Council. He provided information regarding the H1N1 flu virus and regarding communications inter-operability during disaster events. He stated the county is applying for grant money for improvement of the interoperability of communications, but the sense of the Preparedness Council was they don't

want to wait for a grant. Vice Mayor Moylan stated there may be a ballot measure proposed in the next year to fund communications inter-operability needs.

Councilmember Chu reported Santa Clara Valley Water District appointed Sahib Mann as an interim director following the retirement of Sig Sanchez.

Mayor Hamilton reported she attended a Women's Health Forum at the Senior Center on behalf of Senator Alquist.

Mayor Hamilton reported she attended a "Kids in Common" summit regarding a bill of rights for children which jurisdictions are being asked to recognize and uphold. She stated she is planning to put the document on the agenda for Council to consider.

### **NON-AGENDA ITEMS & COMMENTS**

- Council

Councilmember Swegles provided information regarding a welcoming event held for returning Councilmember Otto Lee and reported he would be rejoining the Council February 23.

Councilmember Swegles announced an upcoming Democratic Club Meeting.

Councilmember Griffith stated the Council policy on board and commission election of chair and vice chair doesn't seem to address vacancies which occur in the middle of year, or what action should be taken if both chair and vice chair are absent. He requested a revision to the policy be considered at a future meeting. Mayor Hamilton confirmed there will be a study issue to convene a Council committee to look at revisions to the board and commission policy and reported she would take Councilmember Griffith's request under advisement.

Mayor Hamilton stated this is Councilmember Chu's last meeting before Councilmember Otto Lee returns, and thanked him for his service on the Council.

- Staff

None.

### **INFORMATION ONLY REPORTS/ITEMS**

- Draft 2010 Tentative Council Meeting Agenda Calendar
- RTC 10-037 Boards and Commissions Attendance Report, January – December 2009 (Information Only)
- Notice of Cancellation of the Bicycle and Pedestrian Advisory Commission Meeting of December 17, 2010
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting on January 21, 2010
- RTC 10-035 Opportunity for Council to appeal decisions of the Planning Commission of January 25, 2010 and the Administrative Hearing of January 27, 2010
- Approved Minutes of the Heritage Preservation Commission Meeting of January 13, 2010
- Draft Minutes of Housing and Human Services Commission Meeting of January 13, 2010
- RTC 10-028 Vacancy and Rent Survey (Information Only)

**ADJOURNMENT**

Mayor Hamilton closed the meeting in memory of former Council Member Dolowries Wulfhorst, who passed away January 12, 2010. Dolowries served two terms as a Sunnyvale Council Member from March 1977 to November 1985, and on the Sunnyvale Planning Commission. Mayor Hamilton stated Dolowries' service is remembered with great fondness and gratitude. A moment of silence was held in her honor.

Mayor Hamilton adjourned the meeting at 7:44 p.m.

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Kathleen Franco Simmons  
City Clerk

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Date